

Peter Rukin (SBN 178336)  
RUKIN HYLAND DORIA & TINDALL LLP  
100 Pine Street, Suite 2150  
San Francisco, CA 94111  
Telephone: (415) 421-1800  
Facsimile: (415) 421-1700  
E-mail: peterrukin@rhdtdlaw.com

Rosa Vigil-Gallenberg (SBN 251872)  
GALLENBERG PC  
9701 Wilshire Blvd. Suite 1000  
Beverly Hills, CA 90071  
Telephone: (310) 295-1654  
Facsimile: (310) 733-5654  
Email: rosa@gallenberglaw.com

Todd Heyman (*pro hac vice* application to be filed)  
SHAPIRO HABER & URMYY LLP  
53 State Street 13th Floor  
Boston, MA 02109  
Telephone: (617) 439-3939  
Facsimile: (617) 439-0134  
E-mail: theyman@shulaw.com

Attorneys for Representative Plaintiffs

Malcolm A. Heinicke (SBN 194174)  
MUNGER, TOLLES & OLSON LLP  
560 Mission Street, 27th Floor  
San Francisco CA 94105  
Phone: (415) 512-4000  
Fax: (415) 644-6929  
Email: Malcolm.Heinicke@mto.com

Attorneys for Defendant

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

JUSTIN LARKIN, ANTHONY TIJERINO, and  
AHMAD DEANES, on behalf of themselves and  
all others similarly situated,

Plaintiffs,

v.

YELP! INC.,

Defendant.

Case No. 3:11-cv-01503-EMC

**JOINT CASE MANAGEMENT  
STATEMENT, STATUS REPORT AND  
REQUEST FOR CONTINUANCE OF  
CASE MANAGEMENT CONFERENCE**

CMC Date: December 2, 2011

1 The Parties respectfully submit this Joint Case Management Statement, Status Report and  
 2 Request for a Continuance of Case Management Conference in preparation for the Case  
 3 Management Conference currently scheduled for this matter on December 2, 2011 at 9:00 a.m.

#### 4 **I. PROCEDURAL HISTORY**

5 On March 29, 2011, Class Representative Justin Larkin filed this Litigation as a putative  
 6 Rule 23 class action on behalf of himself and others similarly situated in California and a putative  
 7 national collective action under the federal Fair Labor Standards Act ("FLSA").

8 On May 24, 2011, upon stipulation of the parties, this Court ordered that (a) the action be  
 9 stayed pending the anticipated mediation in this matter; (b) Defendant's deadline to answer or  
 10 otherwise respond to the complaint be postponed until twenty (20) days after the lifting of this stay;  
 11 (c) the parties shall submit a report on the status of the mediation and the continued propriety of the  
 12 stay within one hundred twenty (120) days of this Order; and (d) the stay shall expire in the event  
 13 any party fails to execute or revokes the FLSA tolling agreement executed by the parties.

14 On September 15, 2011, the parties participated in a mediation with Mediator Mark Rudy in  
 15 San Francisco. The case did not resolve at the mediation, but settlement discussions continued and  
 16 the parties have reached a tentative settlement subject to negotiation of terms and conditions.

#### 17 **II. CASE STATUS & SETTLEMENT**

18 The parties are in the process of finally negotiating the terms and conditions of the  
 19 settlement. On November 4, 2011, Defendant sent Plaintiffs' counsel a first draft of a proposed,  
 20 long-form settlement agreement with all proposed exhibits, including the proposed class notice and  
 21 judgment. Plaintiffs' Counsel has been preparing proposed revisions to the settlement documents,  
 22 and anticipates forwarding those revisions to Defendant's counsel in advance of the currently  
 23 scheduled December 2, 2011 Case Management Conference. The parties expect to meet and  
 24 confer and resolve any issues related to the settlement papers in the next two to three weeks, and  
 25 will be prepared to file by December 20, 2011 either: (1) a motion for preliminary approval of  
 26 settlement or (2) a case management conference report.

#### 27 **III. REQUEST TO CONTINUE CASE MANAGEMENT CONFERENCE**

1 Accordingly, the parties jointly request that the Court continue the case management  
2 conference currently scheduled for December 2, 2011 until a date convenient to the Court in  
3 January, 2012.

4  
5 RUKIN HYLAND DORIA & TINDALL LLP

6 Dated: November 29, 2011

7 By: \_\_\_\_\_/s/\_\_\_\_\_  
8 Peter Rukin  
9 Attorneys for Plaintiffs

10 MUNGER, TOLLES & OLSON LLP

11 Dated: November 29, 2011

12 By: \_\_\_\_\_/s/\_\_\_\_\_  
13 Malcolm Heinicke  
14 Attorneys for Defendant Yelp! Inc.

15  
16 **ATTESTATION PURSUANT TO GENERAL ORDER 45**

17 I, PETER RUKIN, attest that concurrence in the filing of this Joint Case Management  
18 Statement has been obtained from each of the other signatories.

19 Executed this 29th day of November, 2011, at San Francisco, California.

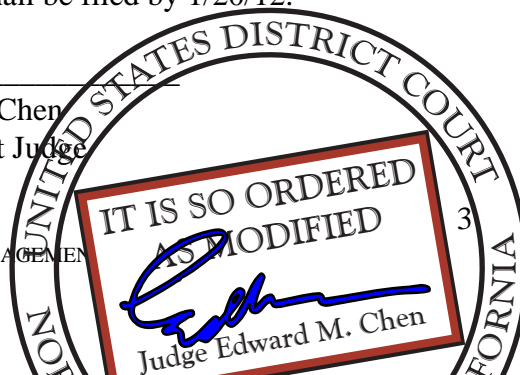
20  
21 \_\_\_\_\_/s/ Peter Rukin

22 Peter Rukin

23  
24 IT IS SO ORDERED that the CMC is reset from 12/2/11 to 1/27/12 at 9:00 a.m. A joint CMC  
25 statement shall be filed by 1/20/12.

26 \_\_\_\_\_  
27 Edward M. Chen  
28 U.S. District Judge

JOINT CASE MANAGEMENT



Case No. 3:11-cv-01503-EMC